

BERTRAM FIELDS (SBN 024199)  
 bfields@ggfirm.com  
 AARON J. MOSS (SBN 190625)  
 amoss@ggfirm.com  
 GREENBERG GLUSKER FIELDS  
 CLAMAN & MACHTINGER LLP  
 1900 Avenue of the Stars, 21st Floor  
 Los Angeles, California 90067-4590  
 Telephone: 310.553.3610  
 Fax: 310.553.0687

Attorneys for Plaintiff  
 Stanley Donen

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

2008 MAY 22 AM 11:36  
 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

FILED

CV 08-03383 ABC

STANLEY DONEN,

Plaintiff,

vs.

PARAMOUNT PICTURES  
 CORPORATION, VIACOM CONSUMER  
 PRODUCTS, INC. and THE GAP, INC.,

Defendants.

Case No. \_\_\_\_\_

COMPLAINT FOR COPYRIGHT  
 INFRINGEMENT AND, IN THE  
 ALTERNATIVE, FOR AN  
 ACCOUNTING

DEMAND FOR JURY TRIAL

Plaintiff alleges the following:

1. Jurisdiction And Venue. This court has jurisdiction based upon the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.* This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

This Court has personal jurisdiction over each of the defendants named in this Complaint, because each defendant does sufficient business, has sufficient minimum contacts with California and this Judicial District, or otherwise intentionally avails itself of the California and Los Angeles markets, through the sale, marketing, distribution and use of its products in this Judicial District, to render the exercise of jurisdiction over it by this Court consistent with traditional notions of fair play and substantial justice.

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

Venue in this Judicial District is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400(a), in that one or more defendants reside and may be found in this Judicial District within the meaning of 28 U.S.C. §§ 1391(c) and 1400(a), a substantial part of the events giving rise to plaintiff's claims occurred in this Judicial District and defendants' products are sold in this Judicial District.

2. The Parties. Plaintiff is a motion picture director and a resident of New York. Defendant Paramount Pictures Corporation ("Paramount") is a Delaware corporation with its principal place of business in this District. Defendant The Gap, Inc. ("The Gap") is a Delaware corporation doing substantial business in this District. Plaintiff is informed and believes and, on that ground, alleges that Viacom Consumer Products, Inc. ("Viacom Products") is a Delaware corporation and an affiliate of Paramount doing substantial business in this District. Paramount is a producer and distributor of filmed entertainment. The Gap owns and operates a chain of retail clothing stores, including stores in this Judicial District.

### **FIRST CLAIM FOR RELIEF**

#### **(Copyright Infringement – Against All Defendants)**

3. Plaintiff incorporates by reference paragraphs 1 and 2 hereinabove as though fully set forth herein.

4. Plaintiff was the director or co-director of many motion pictures including such noted films as "Singing In The Rain," "On The Town," "Seven Brides For Seven Brothers," "Damn Yankees," "The Pajama Game," "Two For The Road" and "Charade." Plaintiff's films have included highly creative dance sequences that have been widely acclaimed. Plaintiff also directed a motion picture distributed by Paramount entitled "Funny Face," starring Audrey Hepburn. Plaintiff was the author of a significant part of "Funny Face," including his creation and control of the design, filming and editing of a

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

1 famous scene in which Audrey Hepburn does an original and highly unique dance in a  
2 Parisian Café (the “Dance Scene”).

3 5. Plaintiff was not a Paramount employee, had no written contract with  
4 Paramount regarding “Funny Face,” and has never conveyed to Paramount his interest in  
5 that film. As the creator and author of the Dance Scene, plaintiff was and is the rightful  
6 owner of the copyright in that scene. Plaintiff is informed and believes and, on that  
7 ground, alleges that Paramount registered the copyright in the entirety of “Funny Face,”  
8 including the Dance Scene, in its own name and that it holds the copyright in the Dance  
9 Scene and other aspects of that film in trust for plaintiff, as the rightful author and owner  
10 thereof. Plaintiff has acquiesced in Paramount’s licensing others to exhibit the entire film  
11 “Funny Face” in theatres or on television, uses for which it was intended. Having done  
12 so, plaintiff had no claim with respect to such distribution, which was intended when the  
13 film was made. But, as alleged hereinbelow, defendants have now exceeded the uses in  
14 which plaintiff acquiesced and plaintiff has strong objections to Paramount’s selling the  
15 Dance Scene he created and directed for use as a third party’s commercial advertisement,  
16 such as television commercials for ladies’ pants, a use for which the film was never  
17 intended and to which plaintiff has never consented and in which he has never acquiesced.

18 6. During 2006, without any consent or authority from plaintiff, or any right to  
19 do so, Paramount, through its sister company Viacom Products, purported to grant to The  
20 Gap the exclusive right to copy and use the Dance Scene in 30 and 60 second television  
21 commercials advertising its chain of clothing stores and its merchandise, as well as  
22 photographs copied from the Dance Scene in print advertisements and posters promoting  
23 its chain stores and its merchandise. The Gap paid Viacom Products and Paramount  
24 \$750,000 for this purported grant of rights in the Dance Scene.

25 7. Thereafter, without any consent or authority from plaintiff, but based on the  
26 purported grant from Paramount and Viacom Products, The Gap infringed the copyright  
27 in the Dance Scene held in trust for plaintiff by copying a substantial portion of the Dance  
28 Scene and publicly performing it on repeated occasions in television commercials for its

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

1 chain of clothing stores and its merchandise, particularly ladies' pants, as well as copying  
2 and widely displaying photographs it copied from the Dance Scene in print advertisements  
3 and posters promoting its chain stores and such merchandise. A copy of the Dance Scene  
4 and a copy of The Gap's infringing 30 second commercial are included in Exhibit "A"  
5 attached hereto and incorporated by reference herein. Copies of The Gap's 60 second  
6 commercial and its print advertisements and posters will be obtained from defendants.  
7 The Gap's own news release describing how the Dance Scene would be used in  
8 advertising and promoting its stores and its merchandise is attached as Exhibit "B" hereto  
9 and incorporated by reference herein.

10 8. As a direct and proximate result of defendants' infringing conduct, The  
11 Gap's sales and profits were significantly increased, and plaintiff has been damaged in a  
12 substantial sum, which plaintiff is informed and believes and, on that ground, alleges  
13 exceeds \$5 million.

## 14 SECOND CLAIM FOR RELIEF

15 (In The Alternative, For An Accounting –  
16 Against Paramount and Viacom Products)  
17

18  
19 9. Plaintiff incorporates by reference paragraphs 1 through 7 hereinabove as  
20 though fully set forth herein.

21 10. Neither Paramount nor Viacom Products has paid plaintiff any part of the  
22 sum they received from The Gap for its grant of the right to make such uses of the Dance  
23 Scene. If Paramount and plaintiff were deemed joint authors and owners of the Dance  
24 Scene and Paramount were held entitled, as a joint author and owner, to grant such rights  
25 to The Gap through Viacom Products, plaintiff is entitled to an accounting and payment  
26 from Paramount and Viacom Products of one-half of the sum paid to it or Viacom  
27 Products by The Gap.  
28

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

WHEREFORE, plaintiff prays judgment as follows:

1. For damages in the sum of \$5 million or such greater sum as shall be found;
2. In the alternative, for an accounting and payment from Paramount and Viacom Products of one-half of the \$750,000 they received from The Gap for the grant of rights in the Dance Scene; and
3. For plaintiff's attorneys fees, costs and such other relief as the Court shall deem proper.

DATED: May 21, 2008

GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

By:   
BERTRAM FIELDS  
Attorneys for Plaintiff Stanley Donen

DEMAND FOR JURY TRIAL

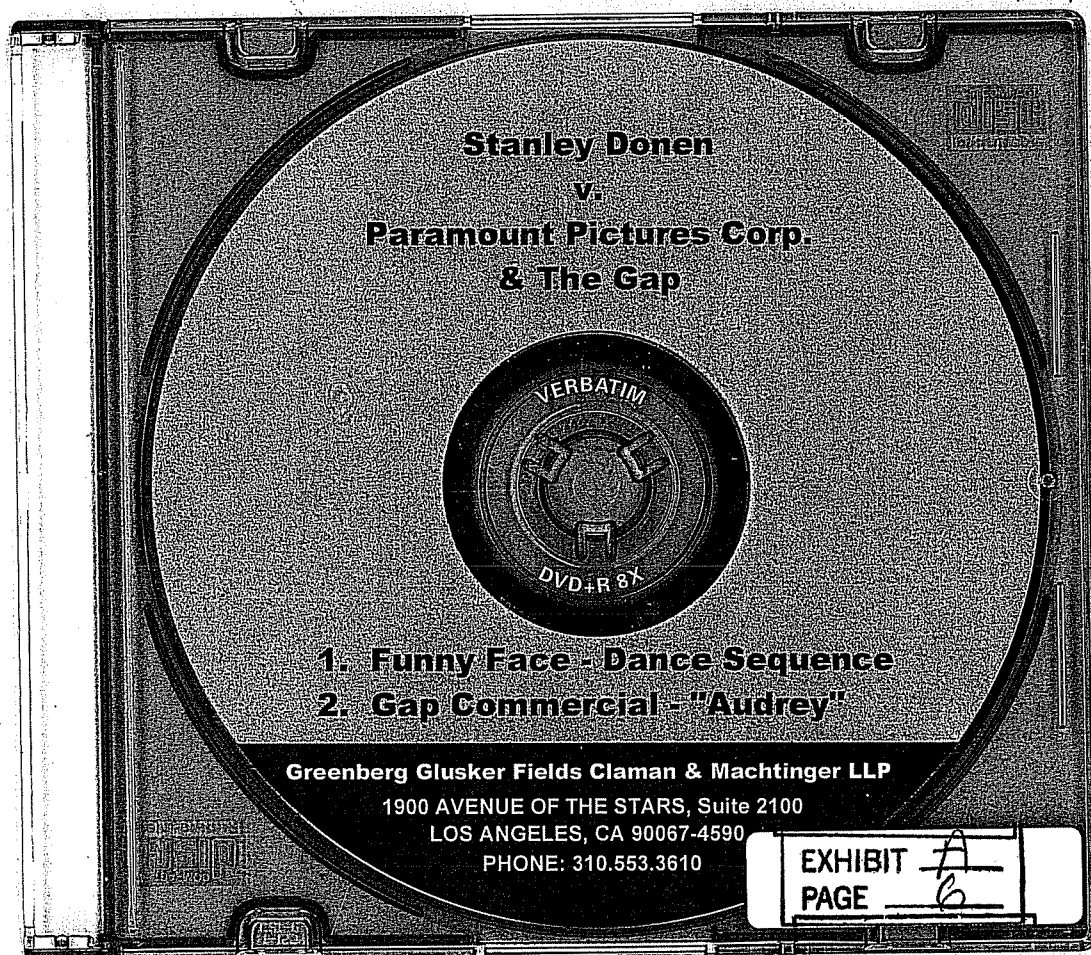
Plaintiff Stanley Donen hereby demands a trial by jury in the above entitled action.

DATED: May 21, 2008

GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

By:   
BERTRAM FIELDS  
Attorneys for Plaintiff Stanley Donen





Gap Inc.

Search

GO

About Gap Inc.

Our Brands

Careers

Social Responsibility

Investors

Media

Printer-friendly version

## ▼ Press Releases

Gap Inc. News

Gap News

Banana Republic News

Old Navy News

Piperlime News

Image Library

News Coverage

Media Contacts

## Press Release

View All Categories

Releases from 10 Most Recent

GO

## NEW GAP MARKETING CAMPAIGN FEATURING ORIGINAL FILM FOOTAGE OF AUDREY HEPBURN HELPS GAP 'KEEP IT SIMPLE' THIS FALL

**SAN FRANCISCO – September 6, 2006** – This week, the skinny black pant is back at Gap with the introduction of a new, groundbreaking campaign featuring original film footage of timeless style icon Audrey Hepburn. The campaign, entitled "Keep It Simple," is centered on innovative television spots incorporating a memorable scene of Audrey Hepburn dancing in the classic film *Funny Face*. Celebrating Gap's re-launch of the perfect black pant, the ads mark Gap's third and final marketing campaign of the fall season.

"Gap has a rich history of integrating memorable choreography and music into our advertising, but we've never done anything quite like this before," said Trey Laird, creative director of Gap. "We wanted to do something really special to re-launch our skinny black pants and thought who better to showcase them than actress Audrey Hepburn – an iconic woman famous for dressing with sophistication and classic style."

Debuting September 7, Gap's new "Keep It Simple" TV spots juxtapose classic footage of Audrey Hepburn dancing in skinny black pants to the 1980 AC/DC hit song "Back in Black". The ad opens with a scene from *Funny Face* as Audrey Hepburn dances through a Parisian café. It continues as she jumps out of the movie and onto a backdrop resembling the look and feel of an iconic Gap ad. Special effects and graphics help her navigate her way across the screen in a series of energetic dance steps. She then jumps back into *Funny Face* as the spot concludes with the tagline "It's Back – The Skinny Black Pant."

"We're thrilled because this is the first time in more than 12 years that a film clip of Audrey Hepburn has been authorized to endorse a commercial product in North America," said Kyle Andrew, vice president of Gap Marketing. "This ad is a true testament to timeless style and we couldn't be more excited to have Audrey Hepburn – the ultimate style icon – represented in our campaign."

Gap became known for fabulous "must-have" black pants more than a decade ago – they flew off shelves and helped millions of women across the country dress with sophistication and style. Gap's reintroduction of the perfect fitting pair of skinny black pants this fall is a celebration of this classic, iconic piece. Named after timeless fashion icon Audrey Hepburn – "The Audrey Hepburn™ Pant" is sleek and simple with modern details that are undeniably cool. It has an updated bi-stretch fabrication, which allows for greater flexibility and movement and helps the pant keep its shape. Gap's new skinny black pants are destined to become a modern day classic.

In addition to black pants, Gap has a long heritage of offering a wide variety of clean, classic and simple styles. And this fall Gap is back with a collection of great fitting, sophisticated pants in a range of lengths and shapes, as well as classic shirts, turtlenecks, sweaters and outerwear. Worn day or night, dressed up or down, these are the simple, iconic pieces that will never go out of style. In Gap stores this fall, the clean collection is featured in a one-stop shopping destination. You'll find a new dedicated space within Gap stores filled with the classic "must-have" items you always need and want.

The "Keep It Simple" television campaign features 30 and 60-second spots that will air in the United States on all major networks, spot markets and cable from September 7 through October 5. The spots will premiere on network television shows including "Grey's Anatomy" (ABC), "CSI" (CBS) and "Studio 60" (NBC). Gap.com will also feature the new "Keep It Simple" television commercial, as well as exclusive, behind-the-scenes footage of the making of the ad. Complimenting this outstanding broadcast effort are a series of black-and-white print ads featuring models in clean, simple looks anchored in skinny black pants will run in October issues of major national magazines including *Vogue*, *InStyle* and *Elle*. There will also be outdoor ads in major markets.

Laird+Partners, Gap's creative agency, developed the "Keep It Simple" marketing campaign. The TV spots were developed using visual effects by Method Studios and graphic design and animation by Logan and print ads were photographed by famed fashion photographers Inez van Lamsweerde and Vinoodh Matadin.

In celebration of the launch of the "Keep It Simple" ad campaign, Gap is making a generous contribution to the Audrey Hepburn Children's Fund. The Audrey Hepburn Children's Fund is a non-profit organization created to continue Ms. Hepburn's international appeals on behalf of children around the world.

Shop at Gap Inc. Brands | Contact Us | Terms of Use | Privacy Policy | © 2008 Gap Inc.

EXHIBIT B  
PAGE 7

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Audrey B. Collins and the assigned discovery Magistrate Judge is Victor B. Kenton.

The case number on all documents filed with the Court should read as follows:

**CV08- 3383 ABC (VBKx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



BERTRAM FIELDS 024199; AARON MOSS 190625  
 GREENBERG GLUSKER FIELDS CLAMAN &  
 MACHTINGER LLP  
 1900 Avenue of the Stars, Suite 2100  
 Los Angeles 90067-4590  
 Telephone: (310) 553-3610  
 Facsimile: (310) 553-0687  
 bfields@ggfirm.com  
 Attorneys for Plaintiff Stanley Donen

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

STANLEY DONEN

PLAINTIFF(S)

v.

PARAMOUNT PICTURES CORPORATION,  
 VIACOM CONSUMER PRODUCTS, INC. and THE  
 GAP, INC.

DEFENDANT(S).

CASE NUMBER

CV08-03383 ABC VBK

SUMMONS

TO:DEFENDANT(S): PARAMOUNT PICTURES CORPORATION, VIACOM CONSUMER PRODUCTS, INC. and THE GAP, INC.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, BERTRAM FIELDS, ESQ., whose address is GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP, 1900 Avenue of the Stars, Suite 2100, Los Angeles, CA 90067-4590. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: MAY 22 2008

By: LA'REE HORN  
 Deputy Clerk



1192

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)  
STANLEY DONEN

## DEFENDANTS

PARAMOUNT PICTURES CORPORATION, VIACOM  
CONSUMER PRODUCTS, INC. and THE GAP, INC.(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):  
New York

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  
BERTRAM FIELDS (SBN 024199); AARON MOSS (SBN 190625)  
GREENBERG GLUSKER FIELDS CLAMAN &  
MACHTINGER LLP  
1900 Avenue of the Stars, Suite 2100, Los Angeles, CA 90067  
(310) 553-3610

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☐ No☒ MONEY DEMANDED IN COMPLAINT: \$ 5,000,000VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
17 U.S.C. Section 101 et seq. - Copyright Infringement

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI(405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

New York

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).☐ Check here if the U.S. government, its agencies or employees is a named defendant.

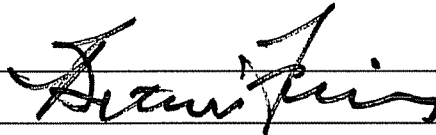
Paramount Pictures Corporation - Los Angeles  
 Viacom Consumer Products, Inc. - Los Angeles  
 The Gap, Inc. - San Francisco

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles County

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date May 21, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))